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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ALATNA VILLAGE COUNCIL, <i>et al.</i> ,)	
)	
Plaintiffs,)	
vs.)	Case No. 3:20-cv-00253-SLG
)	
CHAD PADGETT, <i>in his official capacity</i>)	
<i>as Alaska State Director, U.S. Department</i>)	
<i>of the Interior, et al.</i> ,)	
)	
Defendants,)	
)	
and)	
)	
AMBLER METALS LLC, <i>et al.</i>)	
)	
Intervenor-Defendants.)	

**INTERVENOR-DEFENDANTS' OPPOSITION TO FEDERAL
DEFENDANTS' MOTION FOR EXTENSION OF TIME**

Intervenor-defendants Alaska Industrial Development and Export Authority (“AIDEA”) and Ambler Metals (“Intervenors”) oppose the Federal Defendants’ motion for an extension of time to “accommodate additional requested meetings” with federally recognized

tribes and “further deliberation and coordination” by Department of Interior officials. *Alatna Village Council v. Padgett*, 3:20-cv-00253, ECF No. 107 at 2; *Northern Alaska Environmental Council v. Haaland* (“NAEC”), 3:20-cv-00187, ECF No. 108 at 2. This is the second time Federal Defendants have requested to delay this litigation to provide time to conduct requested government-to-government consultation. Federal Defendants do not indicate whether any of these consultations have been scheduled, nor whether the party seeking consultation is a plaintiff in this action.

This 30-day extension of time request, which Federal Defendants presented to Intervenor-defendants the day before the agencies’ summary judgment response briefs are due, comes after they requested a 60-day stay granted on the eve of the original deadline to file Plaintiffs’ opening briefs, for the same reason. *See Alatna Village Council*, ECF No. 83 at 2; *NAEC*, ECF No. 85 at 2. While Intervenor would generally not oppose reasonable extensions as a matter of professional courtesy, Federal Defendants have not identified good cause to further delay this litigation. The consultation request they seek to accommodate, which is the sole basis upon which the extension is sought, could be addressed concurrently with litigation of Plaintiffs’ claims.

These delays injure Intervenor. *See Alatna Village Council*, ECF No. 92 at 3-5; *NAEC*, ECF No. 93 at 3-5. Not only would this extension further extend the date on which Plaintiffs’ claims can be finally decided, it increases the risk that Plaintiffs may seek a preliminary injunction to bar planned fieldwork in 2022. *See Alatna Village Council*, ECF No. 79 at 4 (objecting to the difference of one week in a proposed briefing schedule out of a stated desire

to obtain a decision prior to the 2022 summer season due to concerns about the impacts of the planned fieldwork); *see also* NAEAC, ECF No. 78 at 2 (incorporating reasons stated by *Alatna Village Council* Plaintiffs). Each day of delay increases the likelihood that AIDEA must choose to make financial commitments for the 2022 field season without the assurance of a final resolution on the merits of Plaintiffs' claims and in the shadow of a threat of preliminary injunction.

Because maintaining the current briefing schedule would not preclude Federal Defendants from conducting the requested further government-to-government consultation, and because the requested extension (coming on the heels of Federal Defendants' 60-day stay) injures Intervenors, Intervenors respectfully request the Court to deny the motion for extension of time.

Dated: January 21, 2022

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CERTIFICATE OF SERVICE

I hereby certify on January 21, 2022, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification and electronic service of the same to all counsel of record.

Dated: January 21, 2022

HOLLAND & HART LLP

/s/ Kyle W. Parker

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